

Message Text

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PAGE 01 STATE 108546

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DRAFTED BY L/M:CLBLAKESLEY:AD

APPROVED BY L/M:KEMALMBORG

JUSTICE - M. STEIN (SUBS)

ARA/LA - G. BROWN (SUBS)

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FM SECSTATE WASHDC

TO AMEMBASSY BRASILIA IMMEDIATE

LIMITED OFFICIAL USE STATE 108546

E.O. 11652: N/A

TAGS: CPRS, PFOR, SNAR, BR

SUBJECT: EXTRADITION - SCOCOZA-VALIENTE

REF: BRASILIA 3611

I. EMBASSY CAN REPLY TO FOREIGN MINISTRY NOTE REPORTED
REFTEL ALONG FOLLOWING LINES:

I. THIS IS A TREATY COMMITMENT DEPARTMENT HAS ALREADY
MADE;

II. WITH REGARD TO THIS COMMITMENT, U.S. ATTORNEY WILL
ADVISE JUDGE THAT SUBJECT HAS BEEN INCARCERATED IN BRAZIL
PURSUANT TO OUR EXTRADITION REQUEST FOR SPECIFIED NUMBER OF
DAYS. (EMBASSY REQUESTED TO PROVIDE US WITH THE AMOUNT OF
TIME SUBJECT INCARCERATED). (FYI: UNDER U.S. LAW, MAXIMUM
AND MINIMUM PENALTIES ARE PRESCRIBED BY STATUTE. JUDGE
WILL SENTENCE FUGITIVE (IF CONVICTED) FOR PERIOD WITHIN THE
PRESCRIBED SPECTRUM. JUDGES USUALLY DO NOT GIVE MAXIMUM
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SENTENCE. ALTHOUGH U.S. ATTORNEY WILL ADVISE COURT OF

SUBJECT'S INCARCERATION IN BRAZIL, FINAL DECISION ON
SENTENCE IS UP TO JUDGE. USG CANNOT GUARANTEE THAT JUDGE
WILL DEDUCT TIME SPENT IN BRAZIL. END FYI);

III. THERE IS NO DEATH PENALTY FOR NARCOTICS OFFENSES
IN U.S.;

IV. SUBJECT WILL NOT BE SURRENDERED TO THIRD STATE FOR
THESE CRIMES WITHOUT CONSENT OF GOB AUTHORITIES;

V. POLITICAL PURPOSES OR REASONS WILL NOT BE USED TO
AGGREGATE THE PENALTIES FOR CRIMES SUBJECT WAS EXTRADITED
FOR. KISSINGER

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